

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

US BANK NATIONAL ASSOCIATION AS
TRUSTEE,

Plaintiff,

v.

JAMIE GARCIA,

Defendant.

No. C 10-785 SI

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED TO
STATE COURT FOR LACK OF
JURISDICTION**

On February 24, 2010, *pro se* defendant Jamie Garcia removed this unlawful detainer action from the Superior Court for the County of Sacramento. From the face of the complaint, this Court lacks jurisdiction. There are no federal claims in the lawsuit, and an action is not removable on the basis of diversity of citizenship if the defendant is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(a), (b). Here, defendant appears to be a California resident, making removal improper. Further, the complaint states that it seeks damages less than \$10,000, far below the \$75,000 amount in controversy necessary to invoke diversity jurisdiction. In any event, removal to the Northern District of California is improper because the Superior Court for the County of Sacramento is within the Eastern District of California.

Accordingly, **defendant is ORDERED TO SHOW CAUSE in writing no later than 2:00 pm on May 17, 2010 why this case should not be remanded to the Superior Court for the County of Sacramento.** If defendant asserts that removal was proper and this Court has jurisdiction, defendant must specifically identify the basis for jurisdiction.

IT IS SO ORDERED.

Dated: May 6, 2010



SUSAN ILLSTON
United States District Judge